IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929

Tr.P(C).No. 172 of 2007()

OP.579/2007 of FAMILY COURT,THRISSUR

.....

PETITIONER:

SOUMYA, AGED 24 YEARS,
D/O.K.H.ABDUL JALEEL, KATTAKATH HOUSE,
T.K.S.PURAM, NEAR CHERMAN MASJID, KODUNGALLUR,
NOW RESIDING AT APARTMENT NO.A-5, EAST AVENEUE
APARTMENTS, KALOOR, COCHIN-17.

BY ADV. SRI.BABU KARUKAPADATH

RESPONDENT:

MAJEED ROSHAN, AGED 34 YEARS,
S/O.MAJEED KOYA, KEMI VENEERS, XVII/247,
3RD FLOOR, KEMI ESTATE, PERUMBAVOOR P.O.,
ERNAKULAM DISTRICT.

BY ADV. SRI.P.K.ANIL

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J

==========

Tr.P.(C) No.172 OF 2007

==========

Dated this the 18th day of August 2007

JUDGMENT

This transfer petition is filed to transfer O.P.No.579 of 2007 pending before the Family Court, Thrissur to the Family Court, Ernakulam for trial and disposal. The husband has filed an application for restitution of conjugal rights and it is pending before the Family Court, Ernakulam as O.P.No.1676 of 2006. There was also an application for custody of the child and it is submitted that at present the wife is residing in Ernakulam itself, i.e. in Kaloor. The husband has moved an application for custody of the child before the Family Court, Thrissur as O.P.No.579 of 2007 most probably on the ground that the wife and children are living in Thrissur District. Now the wife herself averrs that she is residing in Kaloor at Kochi. The husband's application for restitution of conjugal rights is filed before the Family Court, Ernakulam. The husband is a native of Ernakulam District at Perumbavoor and therefore there will not be any inconvenience for him to prosecute the case at the Family Court, Ernakulam which is nearer than the court at Thrissur. Since the child is also residing along with

the mother at Kochi, now according to the averments, it is only just and equitable that O.P.No.579 of 2007 pending before the Family Court, Thrissur is transferred to the Family Court, Ernakulam for trial and disposal along with O.P.No.1676 of 2006, filed by the husband pending before that court.

Tr.P.(C) is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-